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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,020	04/20/2005	Kjell Lindskog	PAH-104	8970

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Mark P Stone
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25 Third Street
Stamford, CT 06905

EXAMINER

BANGACHON, WILLIAM L

ART UNIT	PAPER NUMBER
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2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/502,020

Applicant(s)

LINDSKOG, KJELL

Examiner

William L. Bangachon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 8-10 and 13-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/20/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. In response to the application filed 04/20/2005, the application has been examined. The Examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. It is the Examiner's position that claims 1-20 are unpatentable for the reasons set forth in this Office action:

Claim Objections

2. Claims 8-10 and 13-17 are objected to because of the following informalities: In claims 8 and 14-17, it is unclear whether the primary key (10) is different from the primary key (10) recited in claim 1. And in claims 9-10 and 13, it is unclear whether the secondary key (20) is the same as the secondary key of claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-7 and 12 provides for the use of **“a method”** and claims 11 and 18-20 provides for the use of **“a primary key (10 and a number of secondary keys”** but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. **A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.**

In claims 1, 3 and 9, the phrase **“for instance”** renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Further, in claims 10 and 13, the phrase **“e.g.”** renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

In claims 8 and 14-17, the claimed **“primary key (10)”** lacks the necessary structural cooperative relationship among the elements of the claims.

In claims 9-10 and 13, the claimed **“secondary key (20)”** lacks the necessary structural cooperative relationship among the elements of the claims.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

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F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-5 and 8-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 9, 11 and 20 of copending Application No. 10/502,018 {hereinafter '018'}. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the present invention and '018' are claiming the same subject matter, namely, a process and apparatus for providing security to a transportable container using the combination of dual key ID codes to initiate deactivation of an alarm installed in the container and/or opening the container upon reaching a destination within a geographic area. The apparatus comprise of a first key storing the first key code, carried by a user and supplies the first key code. A second key installed in the premises of the destination, storing the second key code and, in combination with the first key, supplies the second key code to complete a code-set for initializing opening/deactivation of said container.

In this case, claim 11 of '018' read on claim 1 of the present invention. Claim 2 of '018' reads on claim 2 of the present invention. Claim 4 of '018' reads on claim 4 of the

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present invention. Claim 20 of '018' reads on claims 9-10 and 13 of the present invention. Claim 9 of '018' reads on claims 3, 11-12 and 18-20 of the present invention. Claim 5 of '018' reads on a process that is carried by the arrangement recited in claim 10 of the present invention.

With regards to claims 8-9 and 14-17, the Examiner is taking Official notice that ID devices, such as key fobs, are "encapsulated in a casing" to protect the circuitry of the electronic device from damage. As such, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to encapsulate the ID device 70 and proximity card of Kniffin et al in a first and second casing, as shown in Figure 4, because the first and second casing will advantageously be utilized to protect the ID device and proximity card circuitry from damage and protect the user from getting electrocuted, the same way car remote controllers (i.e. key fobs) are protected with a casing.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1-5, 10-12 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,705,991 {hereinafter 'Kniffin et al'}.

With regards claim 1, Kniffin et al teach of a process of opening a container for the transportation of valuable objects, in the form of a delivery truck container 62, shown in Figure 4. The container 62 includes the claimed first electronic unit (2), in the form of an access control device 64, which functions to allow opening of the container 62 and guards against unauthorized opening {see Kniffin et al, column 8, lines 15-19}. And wherein a person-carried primary key (10), in the form of an ID device 70, includes a second electronic unit (12), in the form of memory 48 shown in Figure 2, for communication with the access control device 64 so as to initiate opening of said

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container 62. Kniffin et al states that the ID device 70 (person-carried primary key (10)) supplies the identity of the accessing party (i.e. subset AB). The proximity card at the intended destination (secondary key (20)) supplies the authorized location of the scheduled stop of the container (i.e. subset CD) {see Kniffin et al, column 8, lines 38-41}. Kniffin et al further states that **“if the truck visits an unauthorized location, the access control device will sense either the absence of an identification device, or will sense an identification device that does not correspond to an authorized stop. In either case, the access control device will block access to the truck’s contents”** {see Kniffin et al, column 8, lines 44-49}. This implies that the process is characterized by using a secondary key (20), in the form of a proximity card mounted at a loading dock at an intended destination, which together with the ID device 70 completes the full code-set (ABCD) required to initiate opening of the container 62, as claimed {see Kniffin et al, column 8, lines 30-41}. Furthermore, Kniffin et al states, **“In a high security application, the access control device can be configured to require the presence of two or more authorized users before permitting access to the secured area”** {see Kniffin et al, column 9, lines 26-31}. It further implies that the authorized location in combination with two or more authorized users forms the full code-set (i.e. authorized location plus two or more authorized ID codes) to allow an authorized opening of the container 62 at the scheduled truck stop.

In claim 2, Kniffin et al teach in column 8, lines 44-49, that **“the truck senses the absence of an identification device or the absence of an identification device that does not correspond to an authorized stop”**, which implies that the secondary

key, in the form of a proximity card or an electronic key carried by a manager {see Kniffin et al, column 8, lines 32-35+} includes a third electronic unit, in the form of a memory, for storing an authorized location code or identity code of the authorized scheduled stop.

In claim 3, Kniffin et al teach of a truck delivery schedule comprising of several scheduled stops so that after the first scheduled stop, the process of authentication performed on the first scheduled stop is repeated {see Kniffin et al, column 8, lines 42-43}. It is implied that the location ID of the second stop differs from the location ID of the first stop, which corresponds to the claimed "there is placed at said destinations secondary keys (20) that have mutually varying code subsets." Also see Kniffin et al, column 9, lines 11-22.

In claim 4, Kniffin et al teach of limiting the period of authorization in any of the scheduled delivery stops {see Kniffin et al, column 8, lines 55-65}.

In claim 5, Kniffin et al teach of a delivery truck, which implies limiting the scheduled delivery stops of the truck to geographical land-based area.

Claim 10 recites the elements of claim 2 and therefore rejected on the same basis.

In claim 11, Kniffin et al teach that the system shown in Figure 4 is used in conjunction with authorized scheduled stops at various geographical locations {see Kniffin et al, column 8, lines 62-67 and column 9, lines 14-18}.

Claim 12 recites the limitations of claim 3 and therefore rejected on the same basis, wherein the order of delivery stops in Kniffin et al is considered functionally

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equivalent to the claimed "respective destination places along a transportation route" {see Kniffin et al, column 8, lines 42-43 and lines 62-65; column 9, lines 11-22+}.

Claims 18-20 recites the limitations of claim 3, wherein the various scheduled stops of the truck are considered as functionally equivalent to the claimed "different geographical destinations" {see Kniffin et al, column 8, lines 42-43 and column 9, lines 11-22+}.

11. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,705,991 {hereinafter 'Kniffin et al'} in view of US Patent 6,538,557 {hereinafter 'Giessler'}.

Regarding claim 6 and 7, Kniffin et al does not disclose blocking a lost key and replacing the lost key with a new key. However, at the time of applicant's invention, these claim limitations would have been obvious in the system of Kniffin, to one of ordinary skill in the art because losing a key means that the delivery truck of Kniffin et al cannot be accessed. Giessler, in an analogous art, teaches, **"When a key is lost, stolen, or misplaced, then the key should be replaced and blocked"** {see Giessler, column 5, lines 56-63+}. Giessler suggests that it is advantageous to block a lost or stolen key because it prevents a thief from using the stolen key and other keys remain authorized so that the vehicle can continue to be used for access {see Giessler, paragraph bridging columns 1 and 2}.

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12. Claims 8-9 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,705,991 {hereinafter 'Kniffin et al'}.

Claims 8-9 recite the elements of claim 2 except, Kniffin et al does not show a first or second casing, as claimed. The Examiner is taking Official notice that ID devices, such as key fobs, are encapsulated in a casing to protect the circuitry of the electronic device from damage. As such, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to encapsulate the ID device 70 and proximity card of Kniffin et al in a first and second casing, as shown in Figure 4, because the first and second casing will advantageously be utilized to protect the ID device and proximity card circuitry from damage and protect the user from getting electrocuted, the same way car remote controllers (i.e. key fobs) are protected with a casing.

Claim 13 recites the limitations of claim 10 and therefore rejected on the same basis.

Claims 14-17 recites the limitations of claim 8 and therefore rejected on the same basis.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,384,709 {Mellen et al} is cited because it teaches of "an access control system for preventing mobile containers from tampering or theft during transit,

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through the use of a programmable electronic lock, which can be unlocked only by means of an enabled electronic key that has been programmed with geographical location data representative of the destination site of the container. When the mobile container arrives at its destination, the key is coupled with a comparator, which compares the geographic location information in the key with real time geographic location information from a geographic location detection unit associated with the mobile container. In response to a match, the comparator enables the key for a prescribed period of time. The key may then be inserted into the programmable electronic lock, which reads the key to determine whether it has been enabled. If the key is enabled, the lock can be unlocked, to provide access to the container". See whole document.

US Patent 4,851,652 {Imran} is cited because it shows an example of a key/access card 18 and lock 17 interface {see Imran, whole document} cited by Kniffin et al in column 6, lines 18-26 that can be used with Kniffin et al's system.

Office Contact Information

14. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William L. Bangachon whose telephone number is **(571)-272-3065**. The Examiner can normally be reached from Monday through Friday, 9:00 AM to 5:30 PM.

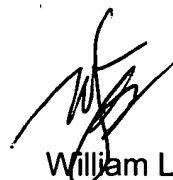
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Zimmerman can be reached on **(571)-272-3059**. The fax phone numbers for the organization where this application or proceeding is assigned is **5(571)**

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273-830000 for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

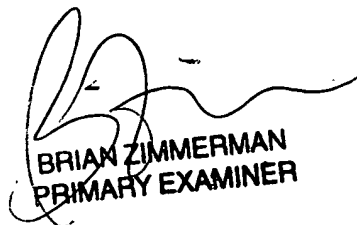
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-6071.



William L. Bangachon
Examiner
Art Unit 2612

March 19, 2007



BRIAN ZIMMERMAN
PRIMARY EXAMINER